

AN ORDINANCE **98965**

REAFFIRMING AND DECLARING THAT THE SAN ANTONIO RANCH WATER RECYCLING CENTER ELIMINATION PROJECT ("PROJECT") IS A NECESSARY PUBLIC PROJECT; FURTHER REAFFIRMING AND DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; AUTHORIZING THE SAN ANTONIO WATER SYSTEM (SAWS) TO ACQUIRE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES DESCRIBED BELOW, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, TO WIT: A 0.0261 ACRE (1,138 SQUARE FEET) PERMANENT EASEMENT OUT OF CONVEYANCE TO LOS REYES INCORPORATED RECORDED IN VOLUME 6686, PAGE 666, IN COUNTY BLOCK 4522, AND KNOWN AS PARCEL 8126; A 0.0030 ACRE (130 SQUARE FEET) PERMANENT EASEMENT OUT OF LOS REYES CANYONS UNIT 1 SUBDIVISION RECORDED IN VOLUME 9535, PAGE 74, IN COUNTY BLOCK 4522, AND KNOWN AS PARCEL NO. 8127; A 0.1364 ACRE (5,491 SQUARE FEET) PERMANENT EASEMENT OUT OF LOS REYES CANYONS UNIT 1 SUBDIVISION RECORDED IN VOLUME 8753, PAGE 99, OUT OF LOT 6, BLOCK 1, COUNTY BLOCK 4522, AND KNOWN AS PARCEL NO. 8128; A 0.0291 ACRE (1,269 SQUARE FEET) PERMANENT EASEMENT OUT OF LOS REYES CANYONS UNIT 1 SUBDIVISION RECORDED IN VOLUME 6686, PAGE 666, OUT OF LOT 5, BLOCK 1, COUNTY BLOCK 4522, AND KNOWN AS PARCEL NO. 8129; A 0.0383 ACRE (1,670 SQUARE FEET) PERMANENT EASEMENT OUT OF LOS REYES CANYONS UNIT 1 SUBDIVISION RECORDED IN VOLUME 6686, PAGE 666, OUT OF LOT 4, BLOCK 1, COUNTY BLOCK 4522, AND KNOWN AS PARCEL NO. 8130; A 0.0316 ACRE (1,376 SQUARE FEET) PERMANENT EASEMENT BEING OUT OF THAT LOS REYES INC. TRACT PER BEXAR APPRAISAL, NOT PART OF A 169.89 ACRE TRACT RECORDED IN VOLUME 6686, PAGE 666-670 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS OUT OF THE A. SALES SURVEY NO. 230, ABSTRACT NO. 1274, COUNTY BLOCK 5736 OF BEXAR COUNTY, TEXAS, AND KNOWN AS PARCEL NO. 8133; AND ANY OTHER PARCEL OR PERMANENT EASEMENT REQUIRED FOR PUBLIC NECESSITY, THAT MAY DEVELOP ALONG THE PROPOSED ALIGNMENT OF SAID PROJECT BETWEEN PARCEL NO. 8117 AND PARCEL NO. 8141 INCLUSIVELY AND ANY REFERENCE TO LOS REYES CAN APPEAR IN ANY OF VARIOUS STYLES TO INCLUDE LOS REYES, INCORPORATED, A TEXAS CORPORATION; LOS REYES CANYONS HOMEOWNER'S ASSOCIATION, INCORPORATED; LOS RAYAS, AND ETC.; ALL REQUIRED PERMANENT EASEMENTS ARE LOCATED WITHIN BEXAR COUNTY, TEXAS, AND ARE REQUIRED FOR A PUBLIC PURPOSE AS PART OF THE PROJECT; AND SUBJECT TO OBTAINING SUCH REAFFIRMATIONS

AND AUTHORIZATIONS FROM THE CITY COUNCIL AS DESCRIBED ABOVE AUTHORIZING SAWS' STAFF AND/OR THEIR AUTHORIZED INDEPENDENT NEGOTIATOR TO NEGOTIATE AND EXECUTE ALL NECESSARY AGREEMENTS WITH THE OWNERS OF CERTAIN PRIVATELY OWNED PROPERTIES FOR THE ACQUISITION OF PERMANENT EASEMENT INTERESTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; FURTHER AUTHORIZING SAWS' DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH CONDEMNATION PROCEEDINGS THROUGH FINAL JUDGMENT AND ALL NECESSARY APPEALS FOR THE CONDEMNATION OF PERMANENT EASEMENT INTERESTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; AND DECLARING THAT THE CONVEYANCE OF ALL SUCH PERMANENT EASEMENT INTERESTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE SHALL BE TO THE CITY OF SAN ANTONIO FOR THE USE AND BENEFIT OF THE SAN ANTONIO WATER SYSTEM; FINDING THE ORDINANCE TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the public health, safety and best interest of the City of San Antonio and its citizens require the continued construction, operation and maintenance of a sewer line facility, and

WHEREAS, it is necessary to construct, operate, and maintain such a facility, the San Antonio Ranch Water Recycling Center Elimination Project (the "Project") located partially upon the property which is privately owned; and

WHEREAS, the City of San Antonio acting by and through representatives of the San Antonio Water System ("SAWS"), have been unable to acquire the permanent easements described in **Attachment I** attached hereto and incorporated herein by reference for all purposes; and

WHEREAS, the San Antonio Water System Board of Trustees (the "Board") finds that the acquisition of such easements is necessary for the public health, safety, and best interests of the citizens of the City of San Antonio and the surrounding region; and

WHEREAS, the Board requests that the City of San Antonio adopt an ordinance declaring a public necessity for the acquisition of such easements through the filing of lawsuits when deemed necessary to construct, operate and maintain the Project, through the exercise of its eminent domain authority; and

WHEREAS, the Board further requests the San Antonio City Council to authorize the San Antonio Water System to undertake such proceedings; and

WHEREAS, the City Council of the City of San Antonio desires to (1) reaffirm and declare that SAWS's San Antonio Ranch Water Recycling Center Elimination Project is a necessary public project (2) reaffirm and declare that a public necessity exists for the acquisition of permanent easement interests across, over, upon and under certain privately owned real properties as described in the **Attachment I**, by negotiation

and/or condemnation, if necessary, for construction of public improvements for use as a part of the San Antonio Ranch Water Recycling Center Elimination Project (3) authorize SAWS to acquire permanent easement interests by negotiation and/or condemnation, if necessary, for construction of public improvements for use as a part of the San Antonio Ranch Water Recycling Center Elimination Project (4) authorize SAWS, its employees, agents and/or their authorized independent negotiators to negotiate and execute all agreements, easements and other necessary documents with the owners of certain privately owned properties as described in the referenced **Attachment I** and to take all other lawful actions necessary or incidental to survey, specify, clarify, define and acquire the permanent easement interests across, over, upon and under certain privately owned properties as described in the referenced **Attachment I**, (5) further authorize SAWS and its attorneys to file eminent domain proceedings, if necessary, and prosecute all such condemnation proceedings through conclusion (including final judgment and all necessary appeals) for the condemnation of these permanent easement interests across, over, upon and under certain privately owned properties as described in the referenced **Attachment I**, (6) approve, ratify and declare valid all prior acts and proceedings done or initiated by attorneys, agents and employees of an/or acting for SAWS to acquire such permanent easement interests across, over, upon and under certain privately owned properties as described in the referenced **Attachment I** (7) declare that the conveyance of all such permanent easement interest in certain privately owned properties as described in the **Attachment I** shall be to the City of San Antonio for the use and benefit of the SAWS; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. City Council hereby reaffirms and declares that the System's San Antonio Ranch Water Recycling Center Elimination Project is a necessary public interest.

SECTION 2. It is hereby further reaffirmed and declared that a public necessity exists for the acquisition of these permanent easement interests in certain privately owned properties as described in **Attachment I** attached hereto and incorporated herein for all purposes by negotiation and/or condemnation, if necessary, for public improvements for use as part of the San Antonio Ranch Water Recycling Center Elimination Project.

SECTION 3. The San Antonio Water System (SAWS), acting on behalf of the City of San Antonio, is hereby authorized as follows (1) SAWS is authorized to acquire permanent easement interests by negotiation and/or condemnation, if necessary, for public improvements for use as a part of the San Antonio Ranch Water Recycling Center Elimination Project, (2) SAWS, its employees, agents and/or their authorized independent negotiators to negotiate and execute all agreements, easements, and other necessary documents with the owners of certain privately owned properties as described in the referenced **Attachment I** and to take all other lawful actions necessary or incidental to survey, specify, clarify, define and acquire the permanent easement interests across, over, upon and under certain privately owned properties as described in the referenced **Attachment I**, (3) SAWS and its attorneys to file eminent domain proceedings, if necessary, and prosecute all such condemnation proceedings through conclusion (including final judgment and all necessary appeals) for the condemnation of the permanent easement interests across, over, upon and under certain privately owned properties as described in the referenced **Attachment I**, (4) SAWS is authorized to approve, ratify and declare valid all prior acts and proceedings done or initiated by attorneys, agents and employees of an/or acting for SAWS to acquire such permanent easement interests across, over, upon and under certain privately owned properties as described in **Attachment I**, and (5) to declare that the conveyance of all such permanent easement interests in certain

privately owned properties described in **Attachment I** shall be to the City of San Antonio for the use and benefit of the System.

SECTION 4. All prior acts and proceedings done or initiated by attorneys, agents and employees of and/or acting for the System to acquire such permanent easement interests are hereby approved and ratified.

SECTION 5. The conveyance of the permanent easements described in **Attachment I** shall be to the City of San Antonio for the use and benefit of SAWS.

SECTION 6. It is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this resolution, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.

SECTION 7. If any part, section, paragraph, sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.

SECTION 8. This ordinance shall be immediately effective if it receives at least eight affirmative votes. Otherwise, it shall be effective on March 28, 2004.

PASSED AND APPROVED this 18th day of March 2004.


M A Y O R
EDWARD D. GARZA

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY